

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Keith Kurber II, Chairman  
Robert A. Doyle  
John Espindola  
Robert M. Pickett  
Janis W. Wilson

In the Matter of the Petition Filed by TDX ST. )  
PAUL WIND, LLC for Confidential Treatment of )  
the Tanadgusix Corporation 2022 Consolidated )  
Financial Statements )

U-23-062

ORDER NO. 1

**ORDER GRANTING PETITION FOR CONFIDENTIAL TREATMENT,  
ADDRESSING TIMELINE FOR DECISION, DESIGNATING COMMISSION PANEL,  
APPOINTING ADMINISTRATIVE LAW JUDGE, AND CLOSING DOCKET**

BY THE COMMISSION:

Summary

We grant the petition filed by TDX St. Paul Wind, LLC (TDX St. Paul) for confidential treatment of Tanadgusix Corporation's (TDX Corp) 2022 consolidated financial statements. We address a timeline for a final decision in this docket. The chairman designates a Commission Panel and Commission Docket Manager and appoints an administrative law judge. We close this docket.

Background

AS 42.05.451(b) requires each public utility to file an annual report of its operations within 90 days after the close of its authorized annual accounting period on a form prescribed by us. TDX St. Paul provides public electric utility service under Certificate of Public Convenience and Necessity No. 749 to the City of St. Paul.

1 TDX St. Paul is a wholly owned subsidiary of TDX Power Inc., which is a wholly owned  
2 indirect subsidiary of TDX Corp.

3 On October 4, 2023, TDX St. Paul filed its 2022 annual operations report  
4 required by AS 42.05.451(b). TDX St. Paul concurrently filed a petition for confidential  
5 treatment of TDX Corp's 2022 consolidated financial statements.<sup>1</sup>

### 6 Discussion

#### 7 Petition for Confidential Treatment

8 Records filed with the Commission are presumed to be public under  
9 AS 42.05.671(a) and 3 AAC 48.040(a). The Commission makes exceptions for records  
10 classified as confidential for "good cause" under 3 AAC 48.045(b).

11 3 AAC 48.045(b) reads:

12 (b) Good cause to classify a record as confidential under this section  
includes a showing that

13 (1) disclosure of the record to the public might competitively or  
14 financially disadvantage or harm the person with confidentiality  
interest or might reveal a trade secret; and

15 (2) the need for confidentiality outweighs the public interest in  
16 disclosure.

17 This standard requires that we balance the interests of the party seeking confidential  
18 treatment against the public interest in disclosure.

19 TDX St. Paul states that disclosing TDX Corp's 2022 consolidated financial  
20 statements to the public might competitively and financially disadvantage the company  
21 and its subsidiaries. TDX St. Paul asserts that most of TDX Corp's subsidiaries are not  
22 required to file an annual report under AS 42.05.451 and operate in a very competitive  
23 marketplace which relies heavily on bidding and securing government contracts. TDX  
24 St. Paul asserts that competitors could use the assets, liabilities, shareholder's equity

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25 <sup>1</sup>*Petition for Confidential Treatment*, filed October 4, 2023 (Petition for Confidential  
26 Treatment).

1 information, notes, and auditor's opinion from TDX Corp's 2022 consolidated financial  
2 statements to analyze its resources when competing for similar business opportunities.<sup>2</sup>  
3 TDX St. Paul argues that this unnecessary risk of harm outweighs the public interest in  
4 disclosure.<sup>3</sup>

5 TDX St. Paul has petitioned to have TDX Corp's consolidated financial  
6 statements that were filed with previous annual reports classified as confidential and we  
7 have granted those petitions.<sup>4</sup>

8 We find that disclosure of the information covered under the Petition for  
9 Confidential Treatment might subject TDX St. Paul's parent, TDX Corp, to competitive or  
10 financial harm, and that in the context of an annual operations report the need for  
11 confidential treatment outweighs the public interest in disclosure. We grant the Petition  
12 for Confidential Treatment at issue in this proceeding.

### 13 Decision Timeline

14 In adjudicated docket matters that come before the Commission under state  
15 or federal law and which are not subject to a timeline under federal law or  
16 AS 42.05.175(a) – (e), we are required by AS 42.05.175(i) to issue a final decision not

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18 <sup>2</sup>Petition for Confidential Treatment at 3.

19 <sup>3</sup>Petition for Confidential Treatment at 4.

20 <sup>4</sup>Order U-22-089(1), *Order Granting Petition for Confidential Treatment,*  
21 *Addressing Timeline for Decision, Designating Commission Panel, Appointing*  
22 *Administrative Law Judge, and Closing Docket*, dated December 16, 2022; Order  
23 *U-21-060(1), Order Granting Petition for Confidential Treatment, Addressing Timeline for*  
24 *Decision, Designating Commission Panel, Appointing Administrative Law Judge, and*  
25 *Closing Docket*, dated August 24, 2021; Order U-20-019(1), *Order Granting Petition for*  
26 *Confidential Treatment, Addressing Timeline for Decision, Designating Commission*  
*Panel, Appointing Administrative Law Judge, and Closing Docket*, dated June 12, 2020;  
Order U-19-066(1), *Order Granting Petition for Confidential Treatment, Addressing*  
*Timeline for Decision, Designating Commission Panel, Appointing Administrative Law*  
*Judge, and Closing Docket*, dated July 29, 2019; Order U-18-015(1), *Order Opening*  
*Docket, Designating Commission Panel, Granting Petition for Confidential Treatment,*  
*Addressing Timeline for Decision, and Closing Docket*, dated April 30, 2018.

1 later than 180 days after the filing of the initiating petition. Accordingly, we will issue a  
2 final decision in this docket by April 1, 2024.

3 We are required to rule on a petition for confidential treatment within  
4 30 days of its filing.<sup>5</sup>

5 Commission Panel

6 The chairman designates Commissioners Robert A. Doyle and John  
7 Espindola and himself as the Commission Panel<sup>6</sup> and further designates Commissioner  
8 Espindola as the Commission Docket Manager.

9 Administrative Law Judge

10 Under AS 42.04.070(b), the chairman appoints Administrative Law Judge  
11 Nolan S. Oliver to facilitate conduct of the docket. Orders issued by the administrative  
12 law judge will be considered orders of the Commission for purposes of petitions for  
13 reconsideration.

14 Final Order

15 This order constitutes the final decision in this proceeding. This decision  
16 may be appealed within 30 days of this order in accordance with AS 22.10.020(d) and  
17 Alaska Rule of Appellate Procedure 602(a)(2). In addition to the appellate rights afforded  
18 by AS 22.10.020(d), a party has the right to file a petition for reconsideration in  
19 accordance with 3 AAC 48.105. If such a petition is filed, the time period for filing an  
20 appeal is tolled and then recalculated in accordance with Alaska Rule of Appellate  
21 Procedure 602(a)(2).

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<sup>5</sup>3 AAC 48.045(d).

25 <sup>6</sup>Under AS 42.04.080(a), the chairman designates a Commission Panel to hear,  
26 or, if a hearing is not required, to otherwise consider and decide docketed matters.

Docket Closure

No substantive or procedural matters remain in this proceeding. Accordingly, we close this docket.

**ORDER**

THE COMMISSION FURTHER ORDERS:

1. The *Petition for Confidential Treatment*, filed October 4, 2023, by TDX St. Paul Wind, LLC is granted.
2. Commissioners Robert A. Doyle, John Espindola, and Keith Kurber II are designated as the Commission Panel.
3. Commissioner John Espindola is designated as the Commission Docket Manager.
4. Nolan S. Oliver is appointed as the administrative law judge.
5. Docket U-23-062 is closed.

DATED AND EFFECTIVE at Anchorage, Alaska, this 3rd day of November, 2023.

BY DIRECTION OF THE COMMISSION  
(Commissioners Robert M. Pickett and  
Janis W. Wilson, not participating.)

